

Richard Andrew Tarantino, Jr.  
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JAN 29 2013

Plaintiff

City Attorney

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Richard Andrew Tarantino, Jr.,

) Case No.: C12-00579 (JCS)

Plaintiff,

vs.

)  
)  
) PLAINTIFF'S RESPONSE TO DEFENDANTS  
) INTERROGATORIES, SET ONE  
) (FRCP 33)

CITY OF CONCORD; DAVID LIVINGSTON,  
individually and in his official capacity as CHIEF  
OF POLICE for CITY OF CONCORD;  
GHULAM GHAZNAWI, individually and in his  
official capacity as a police officer; AARON  
SMITH, individually and in his official capacity  
as a police officer; KEVIN BOLLINGER,  
individually and in his official capacity as a police  
officer; Corporal CRUZ, individually and in his  
official capacity as a police officer;  
and DOES 1 – 40, inclusive,

Defendants,

PROPOUNDING PARTY: DEFENDANTS

RESPONDING PARTY: PLAINTIFF

SET NO.: ONE

GENERAL OBJECTIONS

Plaintiff has not fully completed his investigation of the facts relating to this case, has not  
completed discovery and has not completed his preparation for trial. All of the responses contained

1 herein are based only upon such information and documents as are presently available to and  
 2 specifically known to this responding party and disclose only those contentions which presently occur  
 3 to such responding party.

4 It is anticipated that further discovery, independent investigation, legal research and analysis  
 5 will supply additional facts and add meaning to known facts, as well as establishing new facts or  
 6 conclusions or legal contentions, all of which may lead to substantial additions to, changes and  
 7 variations from the contentions herein set forth.

8 The following responses are given without prejudice to responding party's right to produce  
 9 evidence of any subsequently discovered fact or facts which this responding party may later recall.  
 10 Responding party accordingly reserves the right to change any and all answers herein as additional  
 11 facts are ascertained, analysis are made, legal research is completed and contentions are made. The  
 12 responses contained herein are made in a good faith effort to supply as much factual information and  
 13 as much specification of legal contentions as are presently known, but should not in any way be to the  
 14 prejudice of this responding party in relation to further discovery, research or analysis.

#### 15 **RESPONSE TO FIRST SET OF INTERROGATORIES**

##### 16 **INTERROGATORY NO. 1:**

17 State the date of the INCIDENT that forms the basis of your complaint.

##### 18 **Answer to Interrogatory No. 1:**

19 February 6, 2008

##### 20 **INTERROGATORY NO. 2:**

21 Did YOU submit a claim to the City of Concord based upon the INCIDENT?

##### 22 **Answer to Interrogatory No. 2:**

23 Yes

##### 24 **INTERROGATORY NO. 3:**

25 If your response to Interrogatory No. 2 above is in the affirmative, please state the date when YOU  
 26 submitted said claim to the City.  
 27  
 28

1 Answer to Interrogatory No. 3:

2 August 5, 2008

3 **INTERROGATORY NO. 4:**

4  
5 Was the claim identified in your Response to Interrogatory No. 2 above denied by the City of  
6 Concord?

7 Answer to Interrogatory No. 4:

8 Yes

9 **INTERROGATORY NO. 5:**

10 If your response to Interrogatory No. 4 above is in the affirmative, please state the date of the City's  
11 denial of your claim.

12 Answer to Interrogatory No. 5:

13 September 10, 2008

14 **INTERROGATORY NO. 6:**

15  
16 Was a criminal complaint filed against YOU as a result of the INCIDENT?

17 Answer to Interrogatory No. 6:

18 Yes

19 **INTERROGATORY NO. 7:**

20 If your response to Interrogatory No. 6 above is in the affirmative, please identify the case number of  
21 the criminal complaint.

22 Answer to Interrogatory No. 7:

23 Case No. 01-138389-2

24 **INTERROGATORY NO. 8:**

25  
26 If your response to Interrogatory No. 6 above is in the affirmative, please identify the charges and/or  
27 Penal Code Violations asserted in the complaint.

28 Answer to Interrogatory No. 8:

1 Plaintiff does not have enough information responsive to this request.

2 **INTERROGATORY NO. 9:**

3 If your response to Interrogatory No. 6 above is in the affirmative, please identify the date said  
4 criminal complaint was filed against YOU.

5 Answer to Interrogatory No. 9:

6 July 2008

7 **INTERROGATORY NO. 10:**

8 Was a jury trial held in connection with the criminal complaint identified in your Response to  
9 Interrogatory No. 6 and 7 above?

10 Answer to Interrogatory No. 10:

11 Yes

12 **INTERROGATORY NO. 11:**

13 If your response to Interrogatory No. 10 above is in the affirmative, please state the date(s) when the  
14 trial took place.

15 Answer to Interrogatory No. 11:

16 April 7, 8, 9, 14, 15, 16, 2009

17 **INTERROGATORY NO. 12:**

18 If your response to Interrogatory No. 10 above is in the affirmative, please identify the verdict and/or  
19 judgment of the criminal action asserted against YOU, including but not limited to the specific  
20 violations of law or state code included in the verdict and/or judgment, and the terms and/or  
21 conditions of your conviction.

22 Answer to Interrogatory No. 12:

23 The verdict was guilty. Plaintiff does not have enough information responsive to the remaining  
24 request.

25 **INTERROGATORY NO. 13**

26 Please state the date when a verdict and/or judgment was issued against You in connection with the  
27 criminal complaint, People v. Tarantino, Case No. 01-138389-2.  
28

1 Answer to Interrogatory No. 13:

2 April 28, 2009

3 **INTERROGATORY NO. 14:**

4 Please identify all DOCUMENTS in your possession that relate to the CRIMINAL ACTION, People  
5 v. Tarantino, Case No. 01-138389-2, including but not limited to any pleadings, judgments, verdict  
6 and/or court orders issued during the proceeding.

7 Answer to Interrogatory No. 14:

8 None in my possession

9 **INTERROGATORY NO. 15:**

10 Did YOU spend any time in a criminal detention facility as a result of the verdict and/or judgment  
11 issued against YOU in the CRIMINAL ACTION People v. Tarantino, Case No. 01-138389-2?

12 Answer to Interrogatory No. 15:

13 Yes

14 **INTERROGATORY NO. 16:**

15 If your response to Interrogatory No. 15 above is in the affirmative, please state the dates of  
16 incarceration and the date of your release.

17 Answer to Interrogatory No. 16:

18 April 28, 2009 thru August 12, 2009

19 **INTERROGATORY NO. 17:**

20 If your response to Interrogatory No. 15 above is in the affirmative, please identify the name and  
21 address of the criminal detention facility.

22 Answer to Interrogatory No. 17:

23 Contra Costa County Detention Facility located in Richmond, California.

24 **INTERROGATORY NO. 18:**

25 If your response to Interrogatory No. 15 above is in the affirmative, please identify any  
26 DOCUMENTS that relate to your incarceration in a criminal detention facility, including but not  
27 limited to any DOCUMENTS that indicate the date of your release.  
28

Answer to Interrogatory No. 18:

Plaintiff is unable to identify any documents that are responsive to this request. The Contra Costa County Public Defender's Office would be able to identify any documents responsive to this request.

**INTERROGATORY NO. 19:**

Did you file an appeal of the ruling or verdict issued in the CRIMINAL ACTION?

Answer to Interrogatory No. 19:

No, I did not file an appeal. However, assigned appellate attorney, Pamela Gagliani, did file an appeal.

**INTERROGATORY NO. 20:**

If your answer to Interrogatory No. 19 above is in the affirmative, please state the ruling and/or decision of the appellate court on your appeal and the date of said ruling or decision.

Answer to Interrogatory No. 20:

Plaintiff is unable recall the exact terms of the ruling or date of ruling. However, assigned appellate attorney, Pamela Gagliani, would be able to provide the exact terms of the ruling and date of said ruling or decision.

**INTERROGATORY NO. 21:**

Has the verdict or judgment rendered in the CRIMINAL ACTION been reversed, overturned, expunged or otherwise declared invalid by a court?

Answer to Interrogatory No. 21:

Plaintiff has no knowledge responsive to this request.

**INTERROGATORY NO. 22:**

If your response to Interrogatory No. 21 is in the affirmative, please identify all DOCUMENTS that support your response.

Answer to Interrogatory No. 22:

Plaintiff has no documents in his possession that are responsive to this request. However, assigned appellate attorney, Pamela Gagliani, would be able to identify documents responsive to this request.

**INTERROGATORY NO. 23:**

Do YOU contend that your complaint is not barred by a statute of limitations defense?

Answer to Interrogatory No. 23:

Yes

**INTERROGATORY NO. 24:**

If your response to Interrogatory No. 23 above is in the affirmative, please identify all facts, DOCUMENTS and witnesses that support this contention.

Answer to Interrogatory No. 24:

Discovery, legal research and analysis is ongoing.

**INTERROGATORY NO. 25:**

Do YOU contend that your complaint is not barred by the opinion set forth by the United States Supreme Court in Heck v. Humphrey (1994) 512 U.S. 477, 114 S.Ct. 2364?

Answer to Interrogatory No. 25:

Yes

**INTERROGATORY NO. 26:**

If your response to Interrogatory No. 25 above is in the affirmative, please state all facts, DOCUMENTS and witnesses that support your contention.

Answer to Interrogatory No. 26:

Discovery, legal research and analysis is ongoing.

DATED: January 26, 2013

By: Richard Andrew Tarantino, Jr.

Richard Andrew Tarantino, Jr.  
Plaintiff

**VERIFICATION**

**Tarantino v. City of Concord, Case No. C12-00579 (JCS)**


STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

I, the undersigned, declare and state as follows: I am a party to this action. I have read the foregoing Plaintiff's Response To Defendants' Interrogatories, Set No. One and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief; and, as to those matters, I believe them to be true.

Dated: 1-26-2013

A handwritten signature in cursive script, reading "Richard Andrew Tarantino, Jr.", written in black ink.

Richard Andrew Tarantino, Jr.